IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5267 OF 2006

Shri Nagraj Chandmal Chhajed .. Petitioner.
Vs.
Shri Dineshkumar Devraj Rathod & Ors. .. Respondents.

Mr.Jaydeep S.Deo for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 11TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. By this writ petition, the petitioner has impugned the order dated 23.6.2006 rejecting the application at Exhibit-13 for appointment of Court Commissioner in the substantive appeal filed against the judgment and decree passed in October, 2003. I perused the impugned order. It is clear from the order that no application seeking appointment of the Court Commissioner was ever made by the petitioner till disposal of the suit and even until the appeal reached for final argument. Keeping that in view and the reasons recorded in paragraph 5 of the order on merits, I see no reason to exercise writ jurisdiction of this Court under Article 227 of the Constitution of

India. The impugned order is just and proper and deserves no interference by this Court. The writ petition is, accordingly, dismissed.

(D.B.Bhosale, J.)